

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TAFT BURTTON and
TERRI BURTTON,

Defendants.

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8:08CR7

ORDER

This matter is before the court on the motion to continue trial [58] filed by defendant, Taft Burton. The defendant has filed an affidavit or declaration regarding speedy trial, as required by [NECrimR](#) 12.1 and/or 12.3. For good cause shown, the court finds that the motion should be granted.

IT IS ORDERED that the motion is granted, as follows:

1. The jury trial now set for August 19, 2008, is continued to **Tuesday, October 7, 2008**. This trial date applies to all defendants, and the provisions of Judge Smith Camp's trial preparation order [57] remain in effect.

2. In accordance with [18 U.S.C. § 3161](#)(h)(8)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **August 19, 2008 and October 7, 2008**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act because counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

DATED July 29, 2008.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge